

IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE GODA RAGHURAM

WRIT PETITION NO. 11987 OF 2006

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DATED : JUNE 12, 2007

Between:

Guntagani Ananda Rao and others

Petitioners

AND

The Secretary,
Government of Andhra Pradesh,
Municipal Administration Department,
Secretariat, Hyderabad and others

Respondents

THE HON'BLE MR. JUSTICE GODA RAGHURAM

WRIT PETITION NO. 11987 OF 2007

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ORAL ORDER:

The singular grievance of the petitioners herein is
that in their property, an extent of Ac.0.75 in Sy. No.

29/2A, Block No.4, Ward No.8, Kedareswarapeta, Vijaywada, which they inherited under a Will dated 15.02.2002 executed by Guntagani Kondaiah, the respondents, in particular the Municipal Corporation of Vijayawada is constructing a water tank. The petitioners allege that none of the respondents have a right to the property. The petitioners also assert to have filed OS No.639 of 2007 against neighbours, when they tried to trespass and takeover possession of part of the said land, before the court of the IV Additional Junior Civil Judge, Vijayawada, whereat a temporary injunction is said to have been granted against the defendants – respondents therein on 11.04.2007.

As the complaint in this writ petition is of unlawful interference with immoveable property of the petitioners by the Municipal Corporation, Vijayawada, petitioners have a remedy to seek injunctive relief or any other appropriate relief before the civil court of competent jurisdiction. No public law issue per se is involved.

On the above analysis, the writ petition is dismissed with a liberty to the petitioner to pursue other remedies. No order as to costs.

JUSTICE GODA RAGHURAM

JUNE 12, 2007
MAS